

NEW HAMPSHIRE DEPARTMENT OF
ENVIRONMENTAL SERVICES

WATER COUNCIL

Docket No. 03-10-WC

In the Matter of:
Conservation Law Foundation

RECEIVED

OCT 14 2003

OBJECTION TO MOTION TO STAY

NOW COMES Endicott General Partnership, by and through its attorneys, McNeill, Taylor & Gallo, P.A. and respectfully objects to the Motion to Stay filed by the Conservation Law Foundation, and in support thereof, states as follows:

1. That on March 19, 2003, the DES Wetlands Bureau issued a permit to Endicott General Partnership for the project which is the subject matter of the pending appeal before the Water Council.

2. On September 17, 2003, the DES wetlands Bureau issued a decision reconsidering its prior grant of the wetlands permit.

3. That on October 6, 2003, Endicott filed an expansive Motion for Reconsideration with the DES Wetlands Bureau alleging that the permit was reversed as a result of an erroneous interpretation by the Bureau of the decisions of the Town of Greenland Planning Board relative to various issues relating to access.

4. That pursuant to RSA 482-A:10 III, the DES Wetlands Bureau shall grant or deny the application for reconsideration within 30 days of October 6, 2003.

5. That although it is admitted that there is a relationship between the Wetlands Bureau permit and the permit being considered by the Water Council, it is also respectfully submitted that each permit is considered under its own procedural tract, and it would be unreasonable to delay the processing of the pending appeal before the Water Council, solely because a Motion for Reconsideration is pending before the Wetlands Bureau. Such a delay would be unreasonable in the context of the pending matter and would result in additional unnecessary delay for Endicott.

WHEREFORE, Endicott General Partnership respectfully moves and prays:

A. That the Motion to Stay be denied;

B. That a hearing on the merits be scheduled on the pending application as soon as is reasonably possible; and

C. For such other and further relief as may be just.

Respectfully submitted,
ENDICOTT GENERAL PARTNERSHIP
By its attorneys,
McNEILL, TAYLOR & GALLO, P.A.

By:

COPY

Malcolm R. McNeill, Jr.

Dated: October 10, 2003

CERTIFICATE OF SERVICE

I hereby certify that the within Objection has this date been forwarded by first-class mail, postage prepaid to Thomas F. Irwin, Esq., Michael R. Neill, Harry T. Stewart, Paul M. Currier and Jennifer J. Patterson, Esq.

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Malcolm R. McNeill, Jr.